

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

ONEIDA SEVEN GENERATIONS
CORPORATION and GREEN BAY
RENEWABLE ENERGY, LLC,

Plaintiffs,

v.

Case No. 1:16-cv-01700

CITY OF GREEN BAY,

Defendant.

DEFENDANT’S MOTION TO DISMISS PLAINTIFFS’ COMPLAINT

Defendant City of Green Bay (the “City”), by its counsel, Gunta Law Offices, S.C., respectfully moves to dismiss the Complaint pursuant to Federal Rules of Civil Procedure 9, 12 and 17 as follows:

1. The Complaint should be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted. In support of this defense, the City relies on the facts alleged in the Complaint and not on any matters outside the pleadings.
2. Plaintiff Green Bay Renewable Energy, LLC should be separately dismissed under Rule 12(b)(1) for lack of subject matter jurisdiction. In support of this defense, the City relies on the facts alleged in the Complaint and not on any matters outside the pleadings.
3. The City specifically denies that Plaintiffs Oneida Seven Generations Corporation and Green Bay Renewable Energy, LLC, have capacity to sue, and the Complaint should therefore be dismissed under Rules 9(a), 12(b)(2), and 17(b)(2). In support

of this defense, the City relies on supporting facts as stated in Exhibit 1 to the Memorandum in Support of Defendant's Motion to Dismiss the Complaint, filed herewith, and in the declarations of Gregg J. Gunta and Leah Dodge in support of this motion, filed herewith.

The grounds for this motion are fully set forth in the Memorandum in Support of Defendant's Motion to Dismiss and accompanying exhibits and declarations, filed herewith.

Dated this 7th day of February, 2017.

GUNTA LAW OFFICES, S.C.
Attorneys for Defendant, City of Green Bay

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